

### **IN THE CLAIMS**

1. (Currently amended) A resiliently expandable cautionary structure, comprising:
  - a structure, having an inherent spiral configuration formed of a band of resilient material;
  - a base member, having a span of at least the largest diameter of said structure, and joining said structure at one or more points;
  - a cross brace, having a span of at least the narrowest diameter of said structure, joining said structure at two or more points, and located opposite said base member;
  - a fastening means, having one end contacting ~~to~~ said cross brace and the opposite end free;
  - an illuminating means, regularly arrayed at least along some length of said band;
  - and an electrical energy source.
2. (Original) The structure of claim 1 wherein said structure has a generally conical shape with the largest diameter of the conical shape upon said base member.
3. (Original) The structure of claim 1 wherein said structure has a generally cylindrical shape with said base member and said cross brace each spanning at least the diameter of said structure.
4. (Original) The structure of claim 1 wherein said fastening means is a strap of sufficient length to span at least twice the diameter of said structure.
5. (Original) The structure of claim 4 wherein said strap is selected from the group consisting of leather, metal, polymer, rubber, rope, and elastic.
6. (Original) The structure of claim 5 further comprising:

co-operating hook and pile fasteners with one segment of said hook and pile located at the fixed end of said strap and a second segment of said hook and pile located at the free end of said strap, whereby said strap extends from said cross brace, wraps the diameter of said structure when contracted, returns to said cross brace, and said second segment secures to said first segment.

7. (Original) The structure of claim 1 wherein said illuminating means is selected from the group consisting of light emitting diodes and fiber optic glowing devices.

8. (Currently amended) The structure of claim 7 wherein said energy source is one of further comprising: a battery pack located upon said base member proximate to the center of said base member, whereby said battery pack provides energy for said illuminating means or wiring, extending from said illuminating means proximate to said base member and connecting to an external electrical source.

9. (Cancelled)

10. (Original) The structure of claim 1 wherein said structure is formed of polymer material.

11. (Currently amended) A resiliently expandable cautionary structure, comprising:

a structure, having an inherent spiral configuration formed of a band of resilient material;

a base member, having a span of at least the largest diameter of said structure and a generally centered fitting, and joining said structure at one or more points;

a button, having a span of at least the narrowest diameter of said structure, able to be rotated about the vertical axis of said structure, and located within said structure and opposite said base member; and,

an illuminating means, regularly arrayed along at least some length of said band: and,

an electrical energy source.

whereby said button cooperates with said fitting to releasably secure said structure in a contracted position.

12. (Original) The structure of claim 11 wherein said structure has a generally conical shape with the largest diameter of the conical shape proximate to said base member and said button is located in the apex of the conical shape.

13. (Original) The structure of claim 12 wherein said fitting has a generally cylindrical shape and external threading that cooperates with internal threading of said button.

14. (Currently amended) The structure of claim 12 wherein said fitting and said button cooperate by one of said fitting has ~~has~~ a generally cylindrical shape and internal threading that engages ~~cooperates~~ with external threading of said button, or said fitting engages said button as a bayonet lock.

15. (Cancelled)

16. (Original) The structure of claim 11 wherein said illuminating means is selected from the group consisting of light emitting diodes and fiber optic glowing devices.

17. (Original) The structure of claim 16 ~~further comprising:~~ wherein said energy source is one of a battery pack located upon said base member proximate to the center of said base member, whereby said battery pack provides energy for said illuminating means, or wiring, extending from said illuminating means proximate to said base member and connecting to an external electrical source.

18. (Cancelled)

19. (Currently amended) A method of cautioning motorists, the steps comprising:

- 1) attaching a spiral structure to a base member; ~~and,~~
- 2) releasing said structure to assume the natural configuration of said structure; ~~and,~~
- 3) illuminating said structure by lights, cloth, or reflective coloring; ~~and,~~
- 4) ~~after usage of said structure,~~ contracting said structure upon said base member after usage of said structure; and,
- 5) fastening said structure to said base member. ~~with a strap.~~